

**SAMPLE LETTER - FULL DENIAL - FOIA EXEMPTION (B) (5)**

**NOTE TO PREPARER: This response needs to be signed by the Initial Denial Official (IDO).**

**DATE (RESPONSE DATE)**

Re: Freedom of Information Act Request No. 2010-0000

**(SUBJECT)**

Dear (**MR. /MS. /MRS.** \_\_\_\_\_):

This is in response to your (**DATE OF REQUEST LETTER**), letter requesting access, under the Freedom of Information Act ("FOIA"), to (**RESTATEMENT OF WHAT REQUESTER IS SEEKING**).

We have located (**# of pages**) pages of responsive records. This information falls within one of the nine exemptions to the FOIA's mandatory disclosure requirement. Accordingly, I am denying your request.

The responsive internal record(s) is/are exempt from mandatory public disclosure, and (is/are) being withheld, under FOIA Exemption 5, 5 U.S.C. § 552(b)(5), because it consists of opinions, recommendations, and other reflections of staff thinking integral to the predecisional, deliberative process.

Based on the above information, this constitutes a denial of your request. You have the right to appeal this [denial] of the FOIA request. Your appeal must be received within 30 calendar days of the date of initial denial letter by the Assistant General Counsel for Administration. Address your appeal to the following office:

Assistant General Counsel for Administration (Office)  
Room 5898-C  
U.S. Department of Commerce  
14<sup>th</sup> and Constitution Avenue, N.W.  
Washington, D.C. 20230

Your appeal may also be sent by e-mail to FOIAAppeals @doc.gov or by facsimile (fax) to Area Code (202) 482-2552. Your appeal must include: a copy of the original request; the response to your request; and a statement of the reason why the withheld records should be made available and why the denial of the records was in error. Also, the appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "**Freedom of Information Act Appeal.**"

The e-mail, fax machine, and Office of the General Counsel are monitored only on working days during the normal business hours (8:30 a.m. to 5:00 p.m., Eastern time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine, or Office of the General Counsel after normal business hours will be deemed received on the next normal business day.

If you have any questions regarding your request, you may contact me on (**PREPARER'S TELEPHONE NUMBER**).

Sincerely,

**(DENIAL OFFICIAL)**